

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, SPIRIT FACTOR  
LLC d/b/a FUEL ATHLETICS, and STARS AND  
STRIPE GYMNASSTICS ACADEMY INC. d/b/a  
STARS AND STRIPES KIDS ACTIVITY  
CENTER, on behalf of themselves and all others  
similarly situated

Plaintiffs,

v.

VARSITY BRANDS, LLC, VARSITY SPIRIT,  
LLC, VARSITY SPIRIT FASHION & SUPPLIES,  
LLC, and U.S. ALL STAR FEDERATION, INC.,

Defendants.

**Civ. Action No. 2:20-cv-02600-SHL-  
atc**

**JURY TRIAL DEMANDED**

**U.S. ALL STAR FEDERATION, INC.'S UNOPPOSED MOTION FOR LEAVE TO FILE  
EXCESS PAGES AS TO ITS RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION  
TO COMPEL DISCOVERY RESPONSES**

Defendant U.S. All Star Federation, Inc. (“USASF”) moves this Court under Local Rule 7.2 for leave to file excess pages as to its Response in Opposition to Motion to Plaintiffs’ Motion to Compel Discovery Responses (the “Response”). In support of this Motion, USASF states as follows:

1. On May 5, 2021, Plaintiffs filed a Motion to Compel Discovery Responses (the “Motion to Compel”). (ECF No. 202). Plaintiffs’ Memorandum in Support of the Motion to Compel was twenty pages in length, and Plaintiffs also submitted 18 exhibits in connection with the Motion to Compel.

2. In order to adequately respond to all of the arguments raised in Plaintiffs’ Motion to Compel, and to correct several misstatements contained in Plaintiffs’ Motion to Compel, USASF’s Response will exceed the twenty (20) page limit imposed by Local Rule 7.2(e).

3. USASF thus requests that the Court grant it leave to file three additional pages, up to twenty-three (23) pages total, in connection with its Response.

4. As set forth more fully in the Certificate of Consultation, Plaintiffs do not oppose this request.

WHEREFORE, USASF respectfully requests that the Court enter an order granting this Motion, thereby allowing USASF to file excess pages as to their Response to the Motion to Compel. USASF’s Response and supporting exhibits have been filed contemporaneously with the filing of this Motion, subject to the Court’s ruling on this Motion.

May 19, 2021

Respectfully submitted,

s/ Nicole D. Berkowitz

Grady Garrison (TN #008097)

Nicole D. Berkowitz (TN #35046)

BAKER, DONELSON, BEARMAN, CALDWELL &  
BERKOWITZ

165 Madison Avenue, Suite 2000

Memphis, TN 38103  
Phone: (901) 526-2000  
Fax: (901) 577-0866  
ggarrison@bakerdonelson.com  
nberkowitz@bakerdonelson.com

*Attorneys for U.S. All Star Federation, Inc.*

**CERTIFICATE OF CONSULTATION**

Undersigned counsel hereby certifies that counsel for USASF consulted with counsel for Plaintiffs by email on May 19, 2021. The Parties mutually agreed that (1) Plaintiffs would not oppose USASF's motion for leave to file a response to Plaintiffs' Motion to Compel of 23 pages; (2) USASF will not oppose a future motion by Plaintiffs for leave to file a reply to their Motion to Compel of 6.5 pages; and (3) Plaintiffs would not oppose a future motion by USASF for leave to file a reply in support of USASF's Motion for Protective Order.

s/ Nicole D. Berkowitz  
Nicole D. Berkowitz

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 19th day of May 2021, the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system and/or via U.S. Mail, postage prepaid, to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/ Nicole D. Berkowitz  
Nicole D. Berkowitz